

Preliminary Amendment

**REMARKS**

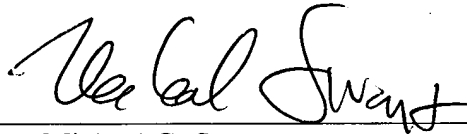
This preliminary amendment is presented to place the application in better form for examination. No new matter has been added. Early examination and favorable consideration of the above-identified application is earnestly solicited.

It is believed that no fees or charges are currently due. However, if any fees or charges are required at this time in connection with the application, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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By



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

Please amend claims 5 and 7, as follows:

5. (Amended) The device of claim [3] 4, wherein the multi-position switch includes a pivotable lever.

7. (Amended) The device of claim [1] 6, wherein said portion of a headphone includes a headphone cord.